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AZ CORP COMMISSION
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John E. Dougherty
PO Box 501
Rimrock, AZ 86335
Complainant & Intervenor

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE-Chairman
BOB BURNS
TOM FORESE
BOB STUMP
ANDY TOBIN

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING TO
INSTALL A WATER LINE FROM THE WELL ON
TIEMAN TO WELL NO. 1 ON TOWERS

W-04254A-12-0204

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING TO
PURCHASE THE WELL NO. 4 SITE AND THE
COMPANY VEHICLE.

W-04254A-12-0205

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING FOR AN
8,000-GALLON HYDRO-PNEUMATIC TANK

W-04254A-12-0206

IN THE MATTER OF THE RATE
APPLICATION OF MONTEZUMA RIMROCK
WATER COMPANY, LLC.

W-04254A-12-0207

JOHN E. DOUGHERTY,
COMPLAINANT,
V.
MONTEZUMA RIMROCK WATER
COMPANY, LLC,
RESPONDENT.

W-04254A-11-0323

Arizona Corporation Commission

DOCKETED

NOV 04 2016

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1
2 IN THE MATTER OF THE APPLICATION OF
3 MONTEZUMA RIMROCK WATER
4 COMPANY, LLC FOR APPROVAL OF A
5 RATE INCREASE.

W-04254A-08-0361

6
7 IN THE MATTER OF THE APPLICATION OF
8 MONTEZUMA RIMROCK WATER
9 COMPANY, LLC FOR APPROVAL OF A
10 FINANCING APPLICATION

W-04254A-08-0362

11
12 **INTERVENOR'S/COMPLAINANT'S**
13 **RESPONSE TO MONTEZUMA'S MOTION FOR**
14 **RECONSIDERATION**

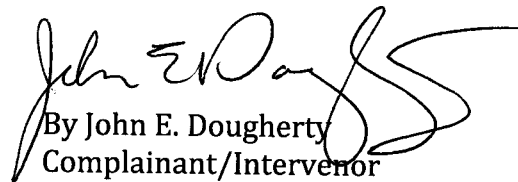
15 **BY THE INTERVENOR/COMPLAINANT**
16
17

18 Montezuma Rimrock Water Company, through its owner, Ms. Patricia Olsen
19 filed an Oct. 31, 2016 Motion that was docketed on Nov. 2, 2016 requesting the
20 Commission reconsider at its next open meeting the Commission's Oct. 27, 2016
21 decision to adopt staff's Oct. 6, 2016 recommendation as amended by an
22 amendment offered by Commissioner Andy Tobin.

23
24 Intervenor/Complainant moves that the Commission deny Montezuma's
25 motion for the following reasons:
26

- 27 1. Ms. Olsen attended the hearing telephonically and was provided
28 extensive opportunity to present her arguments. She stated she
29 would not agree to an interim manager.
30 2. There is sufficient evidence on the record to support the
31 Commission's decision due to the ongoing review by the Attorney
32 General's office of the criminal referral as confirmed by Commission
33 staff counsel during the Oct. 27 hearing.
34 3. Appointment of an interim manager is appropriate at this time given
35 the documented history of false and misleading statements and
36 documents presented by Ms. Olsen to the commission both through
37 docket filings and while under oath during the 2013 evidentiary
38 hearing.
39 4. Montezuma's legal fees from 2014 and 2015 are a direct result of
40 management decisions by Ms. Olsen.
41 5. The Commission also adopted a staff amendment for staff to update
42 the Commission in 60 days on Ms. Olsen's decision of whether or
43 not to appoint an interim manager. Thus, there is no need to
44 reconsider this decision at the Commission's next open meeting
45 given that the staff will present an update in less than two months.
46

1 RESPECTFULLY SUBMITTED this 4th Day of NOVEMBER, 2016
2
3
4

5 
6 By John E. Dougherty
7 Complainant/Intervenor

8 An original and 13 copies of the foregoing was filed
9 on this 4th day of November, 2016, with:
10

11 Docket Control
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, Arizona 85007
15

16 A copy of the foregoing was hand delivered/mailed/emailed
17 this 17th Day of June, 2016 to:
18

19 Thomas M. Broderick
20 Utilities Division
21 Arizona Corporation Commission
22 1200 W. Washington
23 Phoenix, Arizona 85007
24

25 Charles Hains
26 Legal Division
27 Arizona Corporation Commission
28 1200 W. Washington
29 Phoenix, Arizona 85007

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